



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,649	03/29/2001	Toshiaki Nakazato	205427US2	3402

22850 7590 06/09/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT PAPER NUMBER

2171

DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/819,649

Applicant(s)

NAKAZATO, TOSHIAKI

Examiner

Etienne P LeRoux

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 7, 8 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No. 5,930,791 issued to Leu (hereafter Leu '791) in view of US Pat No 6,457,013 issued to Saxton et al (hereafter Saxton '013).

Regarding claims 1, 8 and 15-17, Leu '791 discloses:

an analyzing unit [Fig 1, 12] for analyzing requested item of a measured sample

an analysis related information database [Fig 1, 16] for holding analysis related information necessary for analyzing said sample

a database manager [Fig 1, 14] for storing inputted said analysis related information into said analysis related information database and outputting information from said analysis related information database

a controller [Fig 1, 14] for controlling storing said analysis related information into said analysis related information into said analysis related information database

Regarding claims 1, 8 and 15-17, Leu '791 discloses the essential elements of the claimed invention per supra paragraph but does not disclose outputting therefrom in a file format complete with a header defining a data item identifier for each data item. Saxton '013 discloses outputting therefrom in a file format complete with a header defining a data item identifier for

Art Unit: 2171

each data item [Table 2]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Leu '791 to include outputting therefrom in a file format complete with a header defining a data item identifier for each data item as taught by Saxton '013 for the purpose of identifying the characteristics of a file [col 4, lines 1-15].

Regarding claims 2 and 19, Leu '791 discloses on-line communication [col 3, lines 37-39]

Regarding claim 3, Leu '791 discloses the essential elements of the claimed invention per supra paragraph including on-line communication [col 3, lines 37-39] but does not disclose a header defining a data item identifier for each data item. Saxton '013 discloses a header defining a data item identifier for each data item [Table 2]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Leu '791 to include outputting therefrom in a file format complete with a header defining a data item identifier for each data item as taught by Saxton '013 for the purpose of identifying the characteristics of a file [col 4, lines 1-15].

Regarding claims 7 and 18, Leu '791 discloses a display unit [Fig 1, 22]

Regarding claim 15, Leu '791 discloses a second storage device [Fig 1, 18 and 20 and col 4, lines 10-25].

3. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Leu '791 and Saxton '013 per claims 1 and 8 above and further in view of Pub No. US 2001/0042094 authored by Mitchell et al (hereafter Mitchell '094).

Art Unit: 2171

Regarding claims 4 and 13, the combination of Leu '791 and Saxton '013 discloses the essential elements of the claimed invention per supra paragraph except for an XML file format. Mitchell '094 discloses an XML file format [paragraph 34]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Leu '791 and Saxton '013 to include an XML file format as taught by Mitchell '094 for the purpose of providing a convenient format for deployment of data over a network [paragraph 34].

Claims 5, 14, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Leu '791 and Saxton '013 as applied to claims 1, 8 and 15, and further in view of US Pat. No. 6,345,278 issued Hitchcock et al (hereafter Hitchcock '278).

Regarding claims 5, 14, 20 and 21, the combination of Leu '791 and Saxton '013 disclose the essential elements of the claimed invention per supra paragraph but does not disclose a CSV format. Hitchcock '278 discloses CSV format [col 21, lines 1-5]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Leu '791 and Saxton '013 to include a CSV format as taught Hitchcock '278 for the purpose of tailoring the individual elements to the specifications of a particular institution [col 20, lines 65-67].

4. Claims 6 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Leu '791 and Saxton '013 as applied to claims 1 and 8 above and further in view of US Pat No 5,434,971 issued to Lysakowski (hereafter Lysakowski '971).

Regarding claims 6 and 9, the combination of Leu '791 and Saxton '013 disclose the essential elements of the claimed invention per supra paragraph but does not disclose an editor for editing data. Lysakowski '971 discloses an editor for editing data [col 4, line 66 through col 5, line 2]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Leu '793 and Saxton '013 to include an editor as taught by Lysakowski '971 for the purpose of editing the configuration structure [col 4, line 67].

Regarding claim 11, Leu '793 discloses on-line communication [col 3, lines 37-39]

Regarding claim 12, Leu discloses the essential elements of the claimed invention per supra paragraph including on-line communication [col 3, lines 37-39] but does not disclose a header. Saxton discloses a header [Table 2]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Leu '791 to include a header as taught by Saxton '013 for the purpose of identifying the characteristics of a file [col 4, lines 1-15].

Regarding claim 10, Leu '791 discloses a display [Fig 1, 22].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620.

The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Art Unit: 2171

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

June 4, 2003



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100